

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *[Signature]* D.C.
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TERESKA DAVIS,

X

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WD OF TN, MEMPHIS

Plaintiff,

X

vs.

X

No. 05-2395-D/V

UNIVERSITY OF TENNESSEE
HEALTH SCIENCE CENTER,X
X
X

Defendant.

X
X
X

ORDER DENYING SECOND MOTION FOR APPOINTMENT OF COUNSEL

On December 19, 2005, plaintiff filed a second motion for appointment of counsel. (Docket entry no. 9) Plaintiff alleges that she has contacted one lawyer who has declined to represent her.

A district court is vested with broad discretion in determining whether to appoint counsel for an indigent civil litigant. See Lavado v. Keohane, 992 F.2d 601, 604-05 (6th Cir. 1993). Notably, however, appointment of counsel in a civil case is not a constitutional right, and courts generally do not appoint counsel in a civil case absent a showing of "exceptional circumstances." Id. at 605-06. In determining whether an appointment is warranted, courts evaluate the type of case, the complexity of the factual and legal issues involved, and the ability of the litigant to represent himself. See id. at 606; Kilgo v. Ricks, 983 F.2d 189, 193 (11th Cir. 1993) ("The key [for determining whether exceptional circumstances exist] is whether the

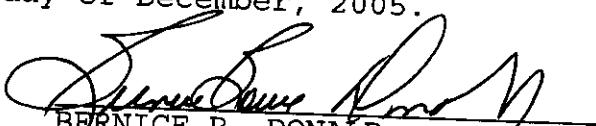
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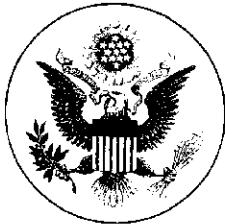
pro se litigant needs help in presenting the essential merits of his or her position to the court. Where the facts and issues are simple, he or she usually will not need such help.").

The Court concludes that an appointment of counsel is not warranted. The allegations contained in this motion are not sufficient to demonstrate that Davis lacks the ability to investigate, prepare, or present her case. Accordingly, Davis' second motion for appointment of counsel (docket entry no. 9) is denied.

IT IS SO ORDERED this 28 day of December, 2005.



BERNICE B. DONALD
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 11 in case 2:05-CV-02395 was distributed by fax, mail, or direct printing on December 29, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT